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November 10, 2023

VIA ECF

Honorable J. Denise L. Cote
United States District Court for the Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re: *Am. GreenFuels Rockwood (Tennessee), LLC v. Aik Chuan Constr. Pte. Ltd.*, No. 21-CV-7680

Dear Judge Cote:

Further to our letter on Monday, November 6, we provide the following update as to any objections Aik Chuan may have to our witness statements.

We received objections to multiple paragraphs (and to the cited exhibits in those paragraphs) in each of our witness statements on Monday afternoon, just prior to when we filed our letter. We provided responses to those objections (see attached chart listing the objections made and our responses) on Tuesday and had a meet and confer about this topic with counsel for Aik Chuan that afternoon. We have heard nothing since, and so believe Aik Chuan has dropped them.

We provide here a list of all the exhibits in our witness statements, which we believe should be admitted without objection. But we nonetheless highlight in yellow those exhibits that correspond to the paragraphs in the attached chart for which Aik Chuan had previously indicated it had an objection in the event our understanding is mistaken.

We thank the Court for its continued attention to this matter.

Respectfully,

/s/ John N. Thomas

John N. Thomas
cc: Counsel of record (via ECF)

David Astrauckas

Paragraph	Quote	Objection	Response
29	In April 2019, Global advised us that Deutsche Bank was concerned that Global lacked “contingency capital” to address technical issues or adjustments that may arise during an “initial validation” period of operations in months 3-4 or 5-6 after closing, when the equipment validation of Modules 1 & 2 would take place. That “initial validation” would involve operating two modules at the Site for a prolonged period time (such as 30 days) to demonstrate that the systems could operate continuously and produce renewable diesel at the anticipated rate of production. Pl.’s Ex. 336 at AGFK_006327.	Hearsay	<p>Pl.’s Ex. 336 is admissible under 803(6) as a record of a regularly conducted business activity.</p> <p>Mr. Astrauckas’ statements in Pl.’s Ex. 336 are admissible under FRE 803(3) as they show Mr. Astrauckas’/Kolmar’s then-existing state of mind.</p> <p>What Global advised is admissible under FRE 801(d)(2).</p> <p>Alternatively, what Global advised Kolmar of is not being offered for the truth. FRE 801(c).</p>
92	Global experienced significant downtime with the Module 2 reactors throughout March 2021. Global reported various issues causing the downtime, such as debris in the syngas/liquid output from the blowers, failures with the augers in the reactors, issues with the infeed system, and valve failures in the liquid separating system. A “March Activity detail” workbook that Mr. Smith shared with me showed that the average March uptime for Module 2 was only 30.1% . Pl.’s Ex. 559 at AGFK_073577-73578. More recently, I learned that Mr. Smith’s report overstates the reactors’ uptime. Data collected by USP&E reflects that the reactors’ average uptime in March 2021 was 20% . Pl.’s Ex. 560 at USPE_014310-14311.	Foundation/Hearsay	No lack of foundation. Mr. Astrauckas’ statement clearly establishes that he was in routine contact with Mr. Smith regarding operations at the site and this testimony is based on his own personal knowledge. Global’s reporting to Kolmar/AGFR (including Pl.’s Ex. 559) is admissible under FRE 803(6) as a record of a regularly conducted activity as is Pl.’s Ex. 560.

Alan Jay

Paragraph	Quote	Objection	
10 and 11	At the time, the first of six fuel production modules ("Module I") had been constructed. There were eight reactors for Module I in use at various times, but the eight reactors never operated at the same time and the module was incapable of continuous operations. Module I was not commercially operational and had only been used for testing purposes by Proton Power, Inc. ("PPI")-the contractor that developed the technology installed at the Site and constructed Module I. Instead of attempting to modify Module I to make it run continuously, the focus shifted to Module 2.	Foundation	No lack of foundation. Mr. Jay's testimony indicates that he was hired at the site as the plant manager and paragraphs 10 & 11 describe what he knew and observed at the time he was hired in May 2020.
12	The goal was to have Module 2 fully operational and prepared for verification testing by August 2020. Pl.'s Ex. 436 at USPE_000815. Global provided USP&E and Mr. Hooi with verification criteria that was the "[f]rame work to start the testing protocol." Pl.'s Ex. 349 at USPE_000393-96.	Hearsay	<p>Not hearsay. This testimony is based off Mr. Jay's personal knowledge as the plant manager in June 2020. Admissible under FRE 803(3) showing Mr. Smith's then existing state of mind.</p> <p>Statements in Pl.'s Exs. 436 and 349 are admissible under FRE 803(6) as a record of a regularly conducted activity.</p> <p>The statements in Ex. 436 and 349 are admissible under FRE 801(d)(2).</p> <p>Alternatively, the statements in Ex. 436 and 349 are admissible under FRE 807.</p>

			Alternatively, the statements in Pl.'s Ex. 349 are not being offered for the truth, rather to show that Mr. Smith provided USP&E and Mr. Hoài that Mr. Smith described as the "frame work to start the testing protocol." FRE 801(c).
14	During the first couple months that I worked at the Site, PPI continued its testing on Module 1 (the R&D module) without focusing work on Module 2. For example, in July 2020, I received an e-mail from USP&E's Director of Engineering & Project Development at the Site, David Blythe, advising Global that PPI's Module 2 installation team was "again this afternoon working on Module 1," with "[v]ery little module 2 installation progress the last two days," and that there was "[l]ots of pipe on the floor, very little being installed." Pl.'s Ex. 437 at USPE_000809. The testing that PPI was doing on Module 1 was not construction work intended to make Module 1 capable of continuous operations. According to Mr. Smith, PPI was testing different design changes that he wanted to make to Module 2.	Hearsay	<p>Not hearsay. This testimony is based off Mr. Jay's personal knowledge as the plant manager. FRE 801(c).</p> <p>Pl.'s Ex. 437 is admissible under FRE 803(6) as a record of a regularly conducted activity.</p> <p>Mr. Smith's/Global's statements are admissible under FRE 801(d)(2).</p> <p>Alternatively, the statements in Ex. 437 are admissible under FRE 807.</p> <p>Alternatively, the statement starting with "according to Mr. Smith, PPI..." is not being offered for the truth, rather to demonstrate that Mr. Smith conveyed information to USP&E about PPI's activities. FRE 801(c).</p>
15	By mid-July, PPI had missed the first two mechanical completion milestones and it "appear[ed] so will the next two at a minimum," and it was recognized that "PPI is under performing." Pl.'s Ex. 438 at USPE 000941.	Hearsay	Statements from Pl.'s Ex. 438 is admissible under FRE 803(6) as a record of a regularly conducted activity.

			Alternatively, the statements in Pl.'s Ex. 438 are admissible under FRE 807.
15	In addition to the PPI crew's shortened workdays, the work they performed at times was inadequate or inappropriately installed, so it had to be re-done. For example, in July 2020, USP&E's engineer reported a "Slide Gate Tubing Issue," where PPI used plastic fittings and plastic tubings on slide gate valves installed on Module 2 and "rout[ed] the tubing so it touches what will be very hot metal." Pl.'s Ex. 440 at USPE_010540. Global was advised that "[u]sing this type of tubing and installation method in the hot environment will be a reliability issue and will impact the 30 day run," and that "[t]his is not an acceptable installation and needs to be changed to stainless tubing[.]" <i>Id.</i>	Hearsay	<p>Not hearsay. This testimony is based off Mr. Jay's personal knowledge as the plant manager. FRE 801(c).</p> <p>Pl.'s Ex. 440 is admissible under FRE 803(6) as a record of a regularly conducted activity.</p> <p>Alternatively, the statements in Pl.'s Ex. 440 are admissible under FRE 807.</p>
16	On July 10, 2020, Global's engineer advised us that the "Module 2 Control Room Console Setup" was "not in schedule." Pl.'s Ex. 441 at USPE_000885.	Hearsay	<p>Pl.'s Ex. 441 is admissible under FRE 803(6) as a record of a regularly conducted activity.</p> <p>Global's statements are admissible under FRE 801(d)(2).</p> <p>Statements also admissible under FRE 803(3) showing Mr. Barwick's "then existing state of mind (such as motive, intent, or plan)" as it related to the status of the control room console setup.</p>
30	Module 2 was being operated through a simulated control system	Foundation	Foundation clearly established as Mr. Jay was

	<p>that was not the actual software control system. The bigger issue was that the controls for the liquid side of the system were not completed so had to run that aspect of the system manually. This effectively guaranteed failure in trying to run a system as sophisticated as Module 2. As you can tell from our System Turnover Checklists, there were numerous different components incorporated into the Module, each with dozens or even hundreds of moving parts and variables. Without automation, there were just too many things to try to control manually, even if each component had its own operator responsible only for manually running that piece. Even if we had a team of one hundred people attempting to control all of these various components, it would be impossible to synchronize all of those elements manually to produce fuel in a consistent and safe way. That was the point of having the software control system for Module 2 in the first place. Even Module 1, which was a more simplistic testing module that was not designed to run (and did not run) continuously, had a software control system.</p>		<p>the plant manager at the site during the time in question and has firsthand/personal knowledge into the operations of the facility.</p>
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Shane Terry

Paragraph	Quote	Objection	
12	“. . . and we were told by Mr. Smith and his engineers to use parts from Module 1 as spare parts for Module 2 after we began operating Module 2.”	Hearsay	<p>Statement is admissible under FRE 803(3) showing Mr. Smith’s “then existing state of mind (such as motive, intent, or plan)” as to the use of Module 1 parts.</p> <p>Mr. Smith’s/Global’s statements are admissible under FRE 801(d)(2).</p> <p>Alternatively, the statement is not being offered for the truth, rather to show the effect on the listener (USP&E) whereby they ultimately used Module 1 as spare parts for Module 2. FRE 801(c).</p>
16	Our experience trying to run Module 2 on a 24/7 basis during this period showed that it was not correctly designed to run.	Foundation	Foundation clearly established as Mr. Terry’s testimony provides that Mr. Terry has significant experience with the Proton technology and firsthand, personal knowledge of how the Module was intended to run versus the reality of site operations.

Kevin Luddy

Paragraph	Quote	Objection	
17	In April 2019, Global advised us of Deutsche Bank's concern that Global lacked "contingency capital" that Global might require to address any technical issues or adjustments that may arise during an "initial validation" period at the Site, wherein two initial modules would be run for a prolonged period, such as one month. Pl.'s Ex. 336 at AGFK_006327. To address Deutsche Bank's concern, Global approached Kolmar with a request that we execute our equity option to provide between \$1 million and \$5 million of "contingency capital" to Global. <i>Id.</i> We did not agree to exercise our equity option, but we discussed with Global the possibility of our providing a \$2 million line of credit, which ultimately did not happen.	Hearsay	<p>Mr. Astrauckas' statements in Pl.'s Ex. 336 fall under FRE 803(3) demonstrating Mr. Astrauckas'/Kolmar's then existing state of mind.</p> <p>Pl.'s Ex. 336 is also admissible under 803(6) as a record of a regularly conducted business activity.</p> <p>Mr. Smith's/Global's statements are admissible under FRE 801(d)(2).</p> <p>Alternatively, the statements in Pl.'s Ex. 336 are admissible under FRE 807.</p> <p>Alternatively, what Global advised Kolmar of is not being offered for the truth, rather to show the effect on the listener (Kolmar/AGFR).</p>
83	Global's start-up delays continued after October 2020. On November 4, 2020 (Wednesday), Global provided us another status update, advising that "[w]e are getting the system ready for run today." I asked Mr. Smith "[w]hen do you expect to commence the 30 day continuous run?" He advised that Global was "running today" and "[w]orking to be in steady for the green light on Monday [November 9]." Pl.'s Ex. 400 at AGFK_068328. That did not happen. On November 11, 2020, Mr. Smith advised that "we are	No exhibit cited for the document quoted at the end of the paragraph.	Cite to AGFK_068347 is correct. Pl.'s Ex. 401.

	<p>preparing all systems for start up on Monday [November 16] with the objective of starting the initial commercialization period.”</p> <p>AGFK_068347. Global did not begin the initial commercialization period on November 16, either.</p>		
91	<p>Global reported that Module 2 could not run without the software control system in place, and that it would take until January 17, 2021 to get the software control system to a level of functionality that allowed production. Pl.’s Ex. 364 at AGFK_033393. Global advised that after the software control system was completed, it would take an additional two-week period through January 31, 2021, to ramp up for the fulltime start-up. During the “ramp up,” Global would engage in daily physical production activity and address any electro-mechanical issues. <i>Id.</i> Global told us that it would start the 60-day trial on February 1, 2020. <i>Id.</i> Global advised that it and its O&M contractor, USP&E, would focus on making known mechanical and electrical changes that they had identified thus far while its programmer worked to complete the software control system. <i>Id.</i></p>	Hearsay	<p>Pl.’s Ex. 364 is admissible under FRE 803(6) as a record of a regularly conducted activity. Mr. Smith was regularly communicating with Kolmar/AGFR and reporting activity at the plant as a part of Global’s regular business activity.</p> <p>Mr. Smith’s/Global’s statements are admissible under FRE 801(d)(2).</p> <p>Mr. Smith’s statements are admissible under FRE 803(3) showing Mr. Smith’s plan as it related to the software control system and verification.</p> <p>Alternatively, the statements are not being offered for the truth, rather to show the effect on the listener (Kolmar/AGFR). FRE 801(c).</p>
108	<p>Despite Global’s April Uptime Improvement Plan, Module 2’s average uptime in April was even worse than March, at only 9.3%. Pl.’s Ex. 566 at USPE_014408-014409. There were many days during April that Module 2 did not operate at all.</p>	Hearsay	<p>Pl.’s Ex. 566 is admissible under FRE 803(6) as a record of a regularly conducted activity.</p> <p>Mr. Smith’s/Global’s statements are admissible under FRE 801(d)(2).</p>

			Mr. Smith was regularly communicating with Kolmar/AGFR and reporting activity at the plant as a part of Global's regular business activity.
111	SilverPeak refused to move forward unless Global paid hefty due diligence fees, which SilverPeak advised could be over \$100,000 with additional costs for legal fees, starting with a \$75,000 deposit when the term sheet was signed. Global could not pay the due diligence fees because it had no money to pay them. I tried to negotiate terms where SilverPeak's due diligence expenses would be reimbursed only if the loan was finalized, but SilverPeak rejected that approach. Pl.'s Ex. 507 at AGFK_094181. My concern was that even if the due diligence fees were paid, SilverPeak would reach the same conclusion that ECP and other potential lenders had during their due diligence efforts, which was that unless Module 2 was fully operational and proven capable of producing salable quantities of renewable diesel, the deal would be too risky to invest in. On May 4, 2021, SilverPeak advised that it had spoken with some third party diligence providers and believed that "what is needed here is more of a private equity partner and not a debt partner." Pl.'s Ex. 513 at AGFK_094343. Silverpeak then withdrew from further discussions regarding the bridge loan/take out financing.	Hearsay; exhibits do not relate to testimony	<p>Not hearsay. Statements are not being offered for the truth, rather to show the effect on the listener (Kolmar/AGFR and Global). FRE 801(c).</p> <p>Cite to AGFK_094181 is correct. File served as Ex. 507 is incorrect and will be replaced.</p> <p>Cite to batesnumbers AGFK_094343 is correct. File served as Ex. 513 is incorrect and will be replaced.</p>
112	Kolmar did not wish to continue funding Global's ongoing working	Hearsay	Statements are not hearsay. FRE 801(c).

	<p>capital when we did not see any progress on reaching commercialized renewable fuel production from the Site. I received Global's financial statements from its accountant every month, so I knew that Global had no revenues or liquid assets and, therefore, could not continue without a funding source. Module 2 operated at an average of less than 10% uptime in April, and uptime during May did not improve. Under the circumstances, it was clear to us that the "Verification" required by the Loan Agreement would not be achieved by the Target Verification Date of May 31, 2020.</p>		<p>Testimony is based on Mr. Luddy's personal knowledge and review of business records that would be admissible under FRE 803(6).</p>
117	<p>USP&E left the Site on May 20, 2020. Module 2 did not operate after that date because there was insufficient staffing to conduct the operations. Pl.'s Ex. 236 at AGFK_075572; Pl.'s Ex. 532 at AGFK_075620 ("t]he plant is down and the company that operated the plant has put Global on notice that it will vacate the premises"). We later found out that USP&E personnel left the site because USP&E stopped work due to Global's non-payment. Although the main reason that Kolmar provided an additional tranche of bridge funding to Global in April 2021 was to pay overdue amounts owed to USP&E so that operations at the Site could continue, we learned in late May 2021 that USP&E had not been paid and there were several months' worth of bills outstanding. Pl.'s Ex. 533 at AGFK_075625-75638. In mid-June 2021, USP&E placed a mechanics' lien on the Rockwood property for \$911,409.86 that Global owed and had not paid. See</p>	<p>Hearsay; 532 doesn't contain quote; 533 doesn't support statement</p>	<p>Not hearsay. FRE 801(c). Statements in Pl.'s Ex. 532 are admissible under FRE 803(3) showing Kolmar/AGFR's then existing state of mind. Cite to AGFK_075620 is correct. Intended to cite to Pl.'s Ex. 586. Also, Pl.'s Ex. 586 is the same as Def. Ex. 19. Cite to AGFK_075625-75638 is correct. Intended to cite to Pl.'s Ex. 587.</p>

	Pl.'s Ex 186 at AGFK_098217 (June 14, 2021 Notice of Lien and Sworn Statement).		
118	<p>Global's financial situation prevented it from hiring employees after USP&E stopped work at the Site. On May 28, 2021, Mr. Smith explained that he "cannot ethically and I believe legally commit the company to hiring employees and have them work knowing there is a possibility they will not be paid." Pl.'s Ex. 538 at GLOBAL00013615. Global's financial status also meant that it could not obtain materials necessary for day-to-day operations. Mr. Smith advised us that: [t]he other issues facing the company now are the lack of spare parts, consumables, PPE [personal protection equipment] and within the next couple of weeks, feedstock. We have not had the money to restock critical components, consumables and PPE and we are getting to the point that if we do not have these available soon we will be operating the system in an unsafe manner and will be forced to shut down.</p> <p>* * *</p> <p>I cannot stress enough how critical it is for us to have an operating facility if we are going to preserve value, attract a potential buyer (last resort), get to balance of plant funding, etc.. I have been at Rockwood when PPI had it shut</p>	Hearsay; 533 doesn't relate to testimony	<p>Pl.'s Ex. 533 is not cited.</p> <p>The statements in Pl.'s Ex. 538 are admissible under FRE 803(6) as a record of a regularly conducted activity. Mr. Smith was regularly communicating with Kolmar/AGFR and reporting activity at the plant as a part of Global's regular business activity.</p> <p>Mr. Smith's/Global's statements are admissible under FRE 801(d)(2).</p> <p>Mr. Smith's statements are admissible under FRE 803(3) showing Mr. Smith's then existing state of mind and/or plan related to the site.</p> <p>Mr. Smith's statements are also admissible under FRE 807.</p> <p>Alternatively, the statements are not being offered for the truth, rather to show the effect on the listener (Kolmar/AGFR). FRE 801(c).</p> <p>Citation to GLOBAL00013615 is correct. Intended to cite to Pl.'s Ex. 592.</p>

	<p>down and if we let that happen it will be very challenging to rebound.</p> <p><i>Id.</i></p>		
121	<p>Our immediate primary objective was to get a professional plant manager and project manager to replace Global's management. Pl.'s Ex. 532 at AGFK_075620. AGFR/Kolmar lost faith in Global's leadership capacity based on our experience beginning in August 2020 when Global missed the start of the initial verification testing and continuing with its inability to (a) manage the timing and construction of the project, (b) identify and proactively manage operational issues, (c) timely apprise Kolmar regarding problems at the Site, and (d) meaningfully resolve problems that arose with Module 2 operations and design. Pl.'s Ex. 160 at AGFK_088748. AGFR/Kolmar still believed the project had "promise." <i>Id.</i> Thus, Kolmar's overall objective was to take over management of the project so we could understand the issues and ensure better operational performance going forward. <i>Id.</i></p>	Hearsay; 532 doesn't relate to testimony	<p>Nothing in this paragraph is hearsay. FRE 801(c).</p> <p>Cite to AGFK_075620 is correct. Intended to cite to Pl.'s Ex. 586. Also, Pl.'s Ex. 586 is the same as Def. Ex. 19.</p>
144	<p>Deutsche Bank was interested, but wanted confirmation that the Site was able to operate consistently and produce renewable diesel at 70% capacity before moving forward. Pl.'s Ex. 532 at AGFK_075620. Deutsche Bank's position mirrored those of all of the potential lenders that Global and I engaged with starting in 2020.</p>	Hearsay; 532 doesn't relate to testimony	<p>Nothing in this paragraph is hearsay. FRE 801(c).</p> <p>Cite to AGFK_075620 is correct. Intended to cite to Pl.'s Ex. 586. Also, Pl.'s Ex. 586 is the same as Def. Ex. 19.</p>

145	<p>As Global's operations neared a halt in mid-May 2021, Resilient Energi visited the Site, expressing interest in a \$5 millions equity investment in Global. Global offered Resilient a 5% interest in Global Energy, LLC in exchange for a \$5 million equity investment.[] Mr. Smith explained that Global Energy, LLC "houses the IP of GE, the (6) additional PPI facility contracts and the Master development Agreement with Aik Chuan for (9) additional PPI facility contracts." AGFK_094467. I participated in discussions with Resilient and learned that it did not actually have \$5 million available to make the proposed investment or any investors of its own. Rather, Resilient proposed that it would go search for investors to cobble together the proposed \$5 million investment, and Resilient wanted a fee or equity sharing in order to provide it. This was a non-starter. Global needed immediate funding. Global did not have time to wait while Resilient tried to place investments for a fee.</p>	<p>Quotes from an exhibit but does not cite it by number; Hearsay regarding Resilient discussions; Hearsay, foundation, speculation regarding ability to fund.</p>	<p>Intended to cite to Pl.'s Ex. 606 at AGFK_094467.</p> <p>Mr. Smith's/Global's statements are admissible under FRE 801(d)(2).</p> <p>Statements regarding Resilient discussions are not hearsay. Statement regarding Resilient proposal is not being offered for the truth but to show the effect on the listener (Kolmar/AGFR). FRE 801(C).</p> <p>Foundation clearly established through Mr. Luddy's testimony that he participated in discussions with Resilient and is testifying about what learned from those discussions.</p> <p>Statements not being offered for the truth but rather to show effect on the listener. FRE 801(c).</p>
146	[could not be copied]	Hearsay; 537 does not relate to testimony	<p>Intended to cite to Pl.'s Ex. 591.</p> <p>The statements from Pl.'s Ex. 591 are admissible under FRE 803(6) as a record of a regularly conducted activity.</p> <p>Mr. Smith's/Global's statements are admissible under FRE 801(d)(2).</p> <p>Alternatively, the statements from Pl.'s Ex. 581 are admissible under FRE 803(3) showing</p>

			<p>Abundia's plan related to the site.</p> <p>Alternatively, the statements are not being offered for the truth, rather to show the effect on the listener (Kolmar/AGFR).</p>
149	<p>On July 19, 2021, we advised Aik Chuan that the foreclosure sale was held, the property subject to the foreclosure sale was sold for \$1.7 million (<i>i.e.</i>, the sole bid that Kolmar made at the foreclosure sale), and that Aik Chuan owed a balance of \$17,485,067 plus interest that continued to accrue on a daily basis that would increase the outstanding indebtedness owed. Pl.'s Ex. 124 at AIKCHUAN00058682. As of today, Aik Chuan owes \$27,929,634.</p>	<p>No foundation regarding how \$27.9 million alleged Outstanding Indebtedness figure was calculated, move to strike; 124 cited states outstanding indebtedness is \$17. million and similarly lacks any foundation as to how that was calculated (nor does Mr. Luddy's affidavit provide any foundational testimony). No credible evidence of amounts allegedly owed.</p>	<p>Mr. Luddy is a 30(b)(6) witness and designated to testify regarding the Loan Agreement and Financing Documents. The balance owed is derived directly from the provisions in the contract and the contract provisions speak for themselves. No additional foundation is necessary.</p>

**EXHIBITS CITED IN AGFR'S AND KOLMAR'S
FACT WITNESS STATEMENTS**

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterick indicating no objection as to authenticity; two astericks indicating exhibits to which no party objects on any grounds)	Objection Tpe
1	3/30/2020		Loan Agreement between Global Energy, LLC and American Greenfuels Rockwood (Tennessee), LLC	AGFK_022125 - 448	**	
2	11/20/2020		Amendment to Loan Agreement between Global Energy, LLC and American Greenfuels Rockwood (Tennessee), LLC	AGFK_000228 - 229	**	
3	3/2021		Second Amendment to Loan Agreement between Global Energy, LLC and American Greenfuels Rockwood (Tennessee), LLC	AGFK_000298 - 299	**	
4	4/21/2021		Third Amendment to Loan Agreement between Global Energy, LLC and American Greenfuels Rockwood (Tennessee), LLC	AGFK_000300 - 301	**	
5	3/30/2020		Subordination Agreement among Aik Chuan Construction PTE, Ltd., Global Energy Hold Co., LLC and American GreenFuels Rockwood (tennessee), LLC	AGFK_022654 - 72	**	
6	11/20/2020		Amendment to Subordination Agreement among Aik Chuan Construction PTE, Ltd., Global Energy Hold Co., LLC and American GreenFuels Rockwood (tennessee), LLC	AGFK_000014 - 15	**	
9	3/30/2020		Pledge and Security Agreement between Global Energy, LLC and American GreenFuels Rockwood (Tennessee), LLC	AGFK_022457 - 97	**	
10	3/30/2020		Credit Line Deed of Trust	AGFK_022520 - 45	**	
18	10/1/2020		Fourth Amended and Restated Limited Liability Company Agreement for Global Energy, LLC	AGFK_021013 - 21048	**	
20	7/9/2021		Bill of Sale	AGFK_011934 - 35	**	
22	3/26/2020		Renewable Diesel Output Agreement by and between Global Energy Rockwood, LLC and Kolmar Americas, Inc.	AGFK_016110 - 52	**	
23	7/30/2019		E-mail from G. Smith to D. Astraukas re: RE: **DRAFT** Global Energy / Rockwood 'Validation' Technical Risk Description	AGFK_006703 - 705	**	
24	7/30/2019		E-mail from G. Smith to D. Asutrauckas re: RE: **Draft** Global Energy / Rockwood Validation Technical Risk Description	AGFK_006735 - 738	**	
38	6/3/2021		Letter from B. Theodore to G. Smith and D. Wray re: Notice of Events of Default under the Loan Agreement	AGFK_000037	**	
71	7/9/2021		Photographs of foreclosure sale	AGFK_097872 - 74	**	
79	12/13/2021		E-mail from A. Jay to D. Astraukas re: RE: AGF Rockwood Feb - May Operations	AGFK_086031 - 32	**	
104	8/2/2021	Confidential	E-mail from G. Smith to T. Hooi and P. Leow re: Fw: December 23-Feb 17	AIKCHUAN00028841 - 67	**	
105	8/2/2021	Confidential	E-mail from G. Smith to T. Hooi and P. Leow re: October 6-Dec 22	AIKCHUAN00028797 - 840	**	
114	6/4/2021	Confidential	E-mail from S. Leow to G. Smith re: Fw: Remedies Notice	AIKCHUAN00028584 - 86	**	
115	6/4/2021	Confidential	E-mail from S. Leow to G. Smith re: Fw: Loan Documents Default Notice	AIKCHUAN00028587, 89	**	
116	5/4/2021	Confidential	E-mail from R. Aviner to K. Lim and S. Leow re: Global Rockwood Project	AIKCHUAN00057281 - 83	**	
119	6/10/2021	Confidential	E-mail from K. Pok to B. Theodore re: RE: Loan Documents Default Notice	AIKCHUAN00057581 - 83	**	
120	6/11/2021	Confidential	E-mail from S. Leow to G. Smith re: Fw: Loan Documents Default Notice	AIKCHUAN00028620 - 25	**	
121	6/13/2021	Confidential	E-mail from C. Tat to S. Leow re: Foreclosure Letter	AIKCHUAN00057633 - 37	**	
122	7/6/2021		Letter from K. Pok to American GreenFuels Rockwood (Tennessee) LLC re: Subordination Agreement	AGFK_076398 - 400	*	Completeness
123	6/1/2021	Confidential	E-mail from S. Leow to G. Smith re: Fw: Restructuring Global Rockwood	AIKCHUAN00028580 - 83	**	
124	7/19/2021	Confidential	E-mail from B. Theodore to K. Lim re: Deficiency Notice	AIKCHUAN00058681, 83	**	
141	7/30/2020		E-mail from D. Blythe to K. Barwick and M. Younger re: System Turnover Checklists	USPE_001094 - 95	*	Completeness
144	2/19/2021		E-mail from J. Gruver to J. Webb and W. Gruver re: Fwd: FW: Data List for Global Energy Demonstration Run	USPE_003249 - 51	*	Completeness
147	4/11/2021		Demo Run Data 4_11_2021	USPE_004309	**	
154	8/13/2021	Highly Confidential	Kolmar Model - DB[1].xlsx	AGFK_078978	**	
160	6/10/2021		Minutes of the Board of Directors Meeting of Kolmar Group AG (with redactions)	AGFK_088741 - 54	**	
161	12/21/2020		E-mail from K. Luddy to O. Stefan re: Re: Rockwood [secure] [signed INVALID]	AGFK_097720 - 21	**	
165	6/4/2021		E-mail from G. Smith to B. Theodore re: Re: Event of Default Notice	AGFK_011925 - 28	**	

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterisk indicating no objection as to authenticity; two asterisks indicating exhibits to which no party objects on any grounds)	Objection Tpe
172	5/6/2021		E-mail from G. Smith to K. Luddy and D. Astraukas re: Insurance Claim	AGFK_074934 - 74	**	
186	6/29/2021		Notice of Lien and Sworn Statement	AGFK_098217 - 19	**	
190	5/28/2021		E-mail from D. Astraukas to R. Aviner et al. re: **DfT Approval of Rockwood in Development Program **FW: RTFO fuel assessment letter	AGFK_075361 - 63	**	
192	6/16/2021		E-mail from J. Webb to R. Fletcher re: Fwd: Fw: Access to Rockwood	USPE_006056 - 61	*	Lack of Personal Knowledge; hearsay
193	6/29/2021	Confidential	E-mail from S. Weaver to D. Astraukas re: Re: Proton/Abundia Visit to Rockwood	PPI_00000902 - 03	**	
200	3/19/2020		E-mail from K. Luddy to G. Smith re: Re: Audited financials	AGFK_051738 - 39	**	
215	2/22/2021		E-mail from K. Luddy to D. Astraukas, B. Theodore, and R. Aviner re: Fwd: Rockwood	AGFK_038502 - 03	**	
218	7/1/2021	Confidential	E-mail from B. Theodore to K. Lim and S. Tiong re: Subordination Agreement Breach Notice	AIKCHUAN00058431 - 32	**	
219	3/25/2020 to 8/9/2021	Confidential	Text messages between K. Luddy and S. Tiong Leow	AIKCHUAN00052942 - 52	**	
220	4/14/2020	Confidential	Third Amended and Restated LLC Agreement of Global Energy, LLC	AIKCHUAN00054142 - 61	**	
223	5/11/2021	Confidential	E-mail from D. Wray to G. Smith, K. Luddy, and D. Astraukas re: GE Issues & Solutions	GLOBAL00005946 - 47	**	
224	6/8/2020	Confidential	E-mail from D. Wray to K. Luddy and D. Astraukas re: RE: Draft Capital List for GE Rock Phase 2	Global00049871 -73	**	
232	1/13/2020		E-mail from D. Astraukas to G. Smith re: FW: Subordination Agreement Section 8.2 changes	AGFK_041422 - 41435	**	
235	5/3/2021		E-mail from D. Astraukas to G. Smith re: Re: Updated logs	AGFK_074843 - 44	**	
236	5/19/2021		E-mail from D. Astraukas to R. Aviner, K. Luddy, and O. Sandelowsky re: Rockwood Call Summary Today	AGFK_075572	**	
237	8/12/2021		USP&E Preliminary Clean Out Report for Rockwood Facility for Kolmar Americas	AGFK_078905	**	
238	7/8/2021	Confidential	Minutes of the Ordinary Officers Meeting of Kolmar Americas, Inc.	AGFK_097932	**	
252	6/3/2021	Confidential	E-mail from S. Tiong to K. Luddy re: Restructuring Plan	AIKCHUAN00057437	**	
253	6/28/2017		E-mail from D. Astraukas to R. Aviner, O. Sandelowsky, M. Keuss, M. Baker, and I. Gungen re: Vonore Renewable Diesel (D7 Cellulosic) Inquiry	AGFK_013600 - 13601	**	
254	7/26/2017	Confidential	E-mail from D. Astraukas to S. Mark and D. Simeonov re: FW: Cellulosic Diesel Fuel - Project Information	AGFK_013604 - 05	*	Completeness
255	12/18/2019		Dec 2019 Global Energy Deal Structure - R2.docx	AGFK_015645 - 49	**	
259	5/16/2021		E-mail from K. Luddy to D. Astraukas, R. Aviner, and O. Sandelowsky re: RE: Follow Up	AGFK_039986 - 87	**	
263	11/13/2020		E-mail from K. Luddy to R. Aviner, O. Sandelowsky, D. Astraukas, and S. Ciocca re: FW: Global Energy - NVC Term Sheet	AGFK_068934 - 37	**	
267	6/7/2021		E-mail from D. Astraukas to R. Aviner and K. Luddy	AGFK_076038 - 39	**	
271	6/23/2021		E-mail from S. Tiong to K. Luddy re: Re: Update	AGFK_095106 - 07	**	
282	4/30/2020	Confidential	Proton Power Contract For: Rockwood Module 2 - Rockwood, Tennessee	PPI_00016245 - 269	**	
284	7/9/2021		Video of Foreclosure Sale	AGFK_097875	**	
322	2/12/2018		E-mail from S. Unterhalter to D. Astraukas re: Completion Financing Proposal - Rockwood Plant	AGFK_001431 - 41	**	
326	2/26/2019		E-mail from G. Smith to D. Astraukas re: Re: Follow up	AGFK_006128 - 29	**	
327	12/6/2017		Meeting invite from D. Astraukas to S. Unterhalter, G. Smith, K. Luddy, R. Aviner, D. Astraukas re: Kolmar / Global Cellulosic RD Call 4pm Eastern	AGFK_000364	**	
328	6/23/2017		Overview of Vonore Renewable Diesel LLC	AGFK_000367 - 70	*	Completeness
329	12/18/2017		E-mail from D. Astraukas to K. Luddy and R. Aviner re: RE: Follow up	AGFK_000953 - 54	**	
330	6/25/2018		E-mail from R. Aviner to D. Astraukas re: Re: Sabine - KMTX/Global Deutsche Bank	AGFK_001758 - 60	**	
331	2018		Slideshow re: Kolmar Americas, Inc. Cellulosic (Wood) Renewable Diesel 10 year offtake contract Global Energy, LLC	AGFK_004116 - 4124	**	
332	2/8/2019		E-mail from R. Aviner to K. Luddy and D. Astraukas re: RE: Pathforward / Kolmar Equity Discussion	AGFK_005739 - 5742	**	
333	3/21/2019		E-mail from R. Aviner to D. Astraukas re: Re: Equity Option	AGFK_006300	**	
334	3/6/2019		E-mail from R. Aviner to D. Astraukas re: Re: Request to execute / escrow Global Energy offtake agreement	AGFK_006246 - 48	**	

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterisk indicating no objection as to authenticity; two asterisks indicating exhibits to which no party objects on any grounds)	Objection Tpe
335	3/27/2019		E-mail from R. Aviner to D. Astraukas re: Re: Americas Biofuels Development Project Updates - Global Energy - March 19th	AGFK_006314 - 17	**	
336	4/5/2019		E-mail from K. Luddy to D. Astraukas re: Re: Global Update / 5 April	AGFK_006327 - 28	**	
338	7/10/2019		E-mail from G. Smith to D. Astraukas re: Rockwood	AGFK_006381	**	
339	7/12/2019		E-mail from R. Aviner to D. Astraukas re: Re: Global Energy Rockwood TN / 12 July / Closing Update	AGFK_006388 - 91	**	
342	7/23/2019		E-mail from G. Smith to D. Astraukas re: Professional Indemnity (Arch & Eng.) Global Energy Rockwood	AGFK_006442 - 45	**	
344	11/8/2019		E-mail from D. Astraukas to O. Sandelowsky, K. Luddy, and R. Aviner re: FW: **Global Energy (Cellulosic RD) FW: Rockwood Updated information	AGFK_009151 - 54	*	Completeness
349	6/23/2020		E-mail from J. Gruver to A. Jay re: Fwd: 335CE2DC-D7A1-4562-B7C1-0015ACF081F1	USPE_000393 - 96	**	
350	9/25/2019		E-mail from G. Smith to D. Astraukas re: Rockwood-Technip	AGFK_008655 - 56	**	
351	10/30/2019		E-mail from R. Aviner to D. Astraukas re: Re: our call & the Proton technology future	AGFK_013512 - 13	**	
352	11/18/2019		E-mail from B. Theodore to D. Astraukas and K. Luddy re: RE: Global Rockwood \$2 million Loan Question	AGFK_013545 - 46	**	
353	2/3/2020		US Cellulosic Renewable Diesel Project - Summary	AGFK_015778 - 79	**	
354	7/1/2020		Rockwood, TN Cellulosic Renewable Diesel Background and Update	AGFK_016215 - 18	**	
355	12/1/2020		E-mail from D. Astraukas to G. Smith re: FW: Program conflict	AGFK_032621 - 23	**	
356	12/4/2020		E-mail from D. Astraukas to R. Aviner, O. Sandelowsky, and K. Luddy re: Rockwood 4 Dec, 18:00 Update	AGFK_032704 - 05	**	
358	12/17/2020		E-mail from G. Smith to D. Astraukas and K. Luddy re: Update	AGFK_033043	**	
359	12/1/2020		E-mail from G. Smith to D. Astraukas re: Update	AGFK_033183	**	
360	12/14/2020		E-mail from K. Luddy to G. Smith, D. Wray, and D. Astraukas re: Societe Generale Financing	AGFK_033196 - 97	**	
361	12/18/2020		E-mail from K. Luddy to G. Smith and R. D'Argenio re: Re: Exclusivity Agreement-ECP	AGFK_033294 - 305	**	
362	12/20/2020		E-mail from G. Smith to D. Astraukas and K. Luddy re: Update?	AGFK_033311 - 12	**	
363	12/21/2020		E-mail from D. Astraukas to R. Aviner, O. Sandelowsky, and K. Luddy re: Rockwood 08:30 Dec 21	AGFK_033318 - 19	**	
364	12/23/2020		E-mail from D. Astraukas to R. Aviner, K. Luddy, and O. Sandelowsky re: Rockwood High Level Update - December 23	AGFK_033393 - 94	**	
365	1/7/2021		E-mail from K. Luddy to D. Wray and G. Smith re: Re: Funding Plan Update	AGFK_033591 - 93	**	
366	2/20/2021		E-mail from D. Astraukas to R. Aviner, K. Luddy, O. Sandelowsky, and B. Theodore re: Fwd: Working Capital Discussion	AGFK_036750 - 52	**	
367	1/29/2021		E-mail from K. Luddy to R. Aviner and D. Astraukas re: Re: Draw Request #14	AGFK_036784	**	
368	2/1/2021		E-mail from K. Luddy to D. Astraukas re: Fwd: Funding	AGFK_036786 - 87	**	
369	2/7/2021		E-mail from G. Smith to K. Luddy re: Re: March Funding	AGFK_038117	**	
370	2/8/2021		E-mail from D. Astraukas to G. Smith re: RE: UPDATE	AGFK_038398 - 99	**	
371	2/8/2021		E-mail from D. Astraukas to G. Smith re: FW: Rockwood 18:00 February 8th	AGFK_038402 - 03	**	
372	2/9/2021		E-mail from D. Astraukas to G. Smith re: FW: Rockwood 18:00 February 9	AGFK_038436 - 38	**	
373	2/9/2021		E-mail from K. Luddy to R. Aviner re: ECP Call - Rahman Update	AGFK_038439	**	
374	2/25/2021		E-mail from D. Astraukas to R. Aviner, O. Sandelowsky, and K. Luddy re: **Amendment** RE: Rockwood 9am February 25	AGFK_038627 - 28	**	
375	3/19/2021		E-mail from K. Luddy to D. Astraukas, O. Sandelowsky, R. Aviner, and B. Theodore re: Re: ECP's Rockwood model	AGFK_055909 - 911	**	
376	5/5/2020		E-mail from K. Luddy to D. Astraukas re: Rockwood Call Recap	AGFK_056240 - 43	**	
377	5/14/2020		E-mail from G. Smith to R. Aviner, K. Luddy, D. Astraukas, and O. Sandelowsky re: Weekly Update Call	AGFK_056254 - 77	**	
378	5/29/2020		E-mail from G. Smith to R. Aviner, K. Luddy, D. Astraukas, and O. Sandelowsky re: Follow up from weekly call	AGFK_056557 - 97	**	
379	5/31/2020		E-mail from D. Wray to D. Astraukas and K. Luddy re: DRAFT: Global Energy: CIM & Model	AGFK_057323 - 412	**	
380	6/8/2020		E-mail from K. Luddy to D. Wray and D. Astraukas re: Re: Draft Capital List for GE Rock Phase 2	AGFK_057657 - 58	**	

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterisk indicating no objection as to authenticity; two asterisks indicating exhibits to which no party objects on any grounds)	Objection Tpe
381	6/10/2020		E-mail from D. Wray to K. Luddy re: FW: STRICTLY CONFIDENTIAL: Global Energy Rockwood \$74 million Takeout Financing	AGFK_057769 - 821	**	
382	7/2/2020		E-mail from G. Smith to R. Aviner, D. Astrauckas, K. Luddy, and O. Sandelowsky re: Rockwood Update Call	AGFK_058762 - 67	**	
383	7/6/2020		2020Jul6_DRAFT_GE Rockwood_Projections_v2F.xlslb.xlsx	AGFK_058773 - 74	**	
384	7/6/2020		E-mail from D. Wray to K. Luddy and D. Astrauckas re: RE: Rockwood 3x Projections	AGFK_058775 - 76	**	
385	7/24/2020		E-mail from D. Wray to K. Luddy, copying G. Smith, J. Smith, D. Astrauckas, L. Wray, A. Andreoli re: Strictly Confidential: Global Energy Rockwood \$162 million financing request	AGFK_059741 - 93	**	
386	7/17/2020		E-mail from R. Aviner to O. Sandelowsky re: FW: Weekly Call	AGFK_061959 - 78	**	
387	8/17/2020		E-mail from K. Luddy to G. Smith and D. Astrauckas re: Re: ECP TS	AGFK_063523 - 53	**	
388	8/7/2020		E-mail from D. Wray to B. Pike, copying R. Aviner, H. Magid, F. Barber, R. Grubb, M. Murphy, L. Hassenplug, M. Mascaro, B. Biagi, L. Cross, K. Luddy, D. Astrauckas, G. Smith, K. Barwick, L. Wray, A. Andreoli, re Strictly Confidential: Global energy UPdated Models	AGFK_064348 - 50	**	
389	8/24/2020		E-mail from J. Smith to R. Aviner, K. Luddy, D. Astrauckas, and O. Sandelowsky re: Weekly Update Call	AGFK_064907 - 22	**	
390	8/27/2020		E-mail from K. Luddy to R. Sandelowsky re: Update on the Global Energy Renewable Diesel Project, Rockwood, TN	AGFK_065045 - 48	**	
391	8/27/2020		E-mail from K. Luddy to G. Smith, D. Wray, and D. Astrauckas re: Re: Phase 2 Funding Update	AGFK_065108 - 09	**	
392	8/31/2020		E-mail from K. Luddy to R. Aviner and D. Astrauckas re: Global Rockwood Draw #6 September 2020	AGFK_065220 - 22	**	
393	7/30/2020		E-mail from L. Arres to L. Rodriguez, L. Ferranti, D. Astrauckas, and R. Johnston re: RE: **SECOND SET OF SAMPLES - 10 GALLONS***Esso renewable diesel sample request / Exxon Mailing Instructions - KOLMAR SAMPLE TO ANALYZE AND SHIP OVERSEAS ***	AGFK_065418 - 51	**	
394	9/1/2020		E-mail from K. Luddy to G. Smith and D. Wray re: ECP Redlines V2 - Kolmar September 1, 2020	AGFK_066520 - 38	**	
395	10/5/2020		J.P.Morgan - Rockwood - Follow Up Due Diligence Questions & Management Answers	AGFK_067757 - 71	**	
396	10/6/2020		E-mail from G. Smith to R. Aviner, K. Luddy, D. Astrauckas, and O. Sandelowsky re: Still on target to add heat this week/weekend	AGFK_067781	**	
397	9/30/2020		E-mail from D. Wray to G. Smith, J. Smith, K. Barwick, D. Astrauckas, A. Andreoli, and L. Wray re: JP Morgan DD questions Assignments	AGFK_068035 - 38	**	
398	10/13/2020		E-mail from G. Smith to R. Aviner, K. Luddy, D. Astrauckas, and O. Sandelowsky re: Update	AGFK_068298	**	
399	10/26/2020		E-mail from D. Astrauckas to G. Smith, R. Aviner, K. Luddy, and O. Sandelowsky re: RE: Update	AGFK_068311	**	
400	11/4/2020		E-mail from G. Smith to K. Luddy, R. Aviner, D. Astrauckas, and O. Sandelowsky re: Re: GE Rockwood update	AGFK_068328 - 30	**	
401	11/11/2020		E-mail from O. Sandelowsky to R. Aviner, K. Luddy, and D. Astrauckas re: Re: Update	AGFK_068347	**	
402	11/13/2020		E-mail from G. Smith to R. Aviner, K. Luddy, D. Astrauckas, and O. Sandelowsky re: For Today's Update Call	AGFK_068931 - 33	**	
403	10/23/2020		E-mail from D. Wray to K. Luddy and G. Smith re: RE: ECP Bridge	AGFK_069111 - 12	**	
404	11/2/2020		E-mail from R. Aviner to K. Luddy and D. Astrauckas re: Re: Bridge Financing	AGFK_069231	**	
405	11/19/2020		E-mail from K. Luddy to D. Wray and G. Smith re: Re: Bridge Funding	AGFK_069278 - 80	**	
406	10/20/2020		E-mail from D. Wray to K. Luddy re: RE: GE - Bridge Capital List	AGFK_069358 - 59	**	
407	11/12/2020		E-mail from D. Wray to K. Luddy, D. Astrauckas, G. Smith, copying L. Wray, A. Andreoli, re: FW: Global Energy - NVC Term Sheet	AGFK_069652 - 55	**	
408	11/13/2020		Email from D. Wray to G. Smith, copying K. Luddy, D. Astrauckas, re: FW: Global Energy - NVC Term Sheet	AGFK_069668 - 72	**	
409	11/23/2020		E-mail from G. Smith to K. Luddy and D. Wray re: RE: Final ECP Term Sheet	AGFK_069746 - 54	**	
410	11/20/2020		E-mail from G. Smith to R. Aviner, K. Luddy, D. Astrauckas, and O. Sandelowsky re: Status Update	AGFK_070143 - 44	**	

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterisk indicating no objection as to authenticity; two asterisks indicating exhibits to which no party objects on any grounds)	Objection Tpe
411	11/30/2020		Meeting invite from D. Astraukas to G. Smith, K. Luddy, and O. Sandelowsky re: Rockwood - Kolmar daily morning update meeting	AGFK_070193 - 94	**	
412	11/30/2020		E-mail from D. Astraukas to G. Smith re: Daily Kolmar Update Calls - Agenda	AGFK_070196	**	
413	12/10/2020		E-mail from K. Luddy to L. Ivaldi and M. Van Der Voort re: Re: Global Energy Rockwood / Cellulosic Renewable Disel [signed INVALID]	AGFK_072974 - 75	**	
414	3/24/2021		E-mail from D. Astraukas to G. Smith re: FW: Rockwood 9am March 24	AGFK_073221 - 23	**	
415	3/30/2021		E-mail from K. Luddy to R. Aviner, O. Sandelowsky, and D. Astraukas re: FW: April Uptime improvement plan	AGFK_073245 - 52	**	
417	3/26/2021		E-mail from G. Smith to D. Astraukas and K. Luddy re: File Insurance Claim	AGFK_073430	**	
418	3/27/2021		E-mail from G. Smith to K. Luddy and D. Astraukas re: Fwd: CHyP uptime charts	AGFK_073444 - 45	**	
420	1/4/2021		E-mail from K. Luddy to G. Smith re: Re: Draw Request #12-January 2021	AGFK_074134 - 35	**	
422	9/16/2020		E-mail from L. Klein to R. Aviner, M. Glass, P. Platteeuw, H. Schlaubtiz, R. Jamesdean re: Kolmar Board Meeting - Thur 17 Sept - 1500 ZUG/0900 Brigeport	AGFK_088270 - 328	**	
423	7/31/2020		E-mail from G. Smith to K. Luddy re: Fwd: Take out of A.C.	AGFK_090319 - 21	**	
424	10/26/2020		E-mail from G. Smith to K. Luddy re: Various	AGFK_093046	**	
425	10/26/2020		E-mail from K. Luddy to G. Smith re: Re: Rockwood	AGFK_093049	**	
426	10/26/2020		E-mail from G. Smith to K. Luddy re: Fwd: Monthly Budget Post Trial-GE-2020.xlsx	AGFK_093050 - 51	**	
427	11/6/2020		E-mail from D. Wray to G. Smith and K. Luddy re: FW: STRICTLY CONFIDENTIAL: Global Energy, LLC - \$3m Bridge Loan	AGFK_093105 - 110	**	
428	11/23/2020		E-mail from G. Smith to K. Luddy re: RE: Think PLC	AGFK_093369 - 70	**	
429	11/28/2020		E-mail from G. Smith to K. Luddy re: Re: Update	AGFK_093501 - 02	**	
430	3/29/2021		E-mail from K. Luddy to S. Tiong re: Catch Up	AGFK_093719	**	
431	4/1/2021		E-mail from K. Luddy to G. Smith re: Re: Weekly Budget	AGFK_093746 - 48	**	
432	4/1/2021		E-mail from G. Smith to K. Luddy re: Re: Weekly Budget	AGFK_093749	**	
434	8/9/2020		E-mail from D. Wray to B. Pike and J. Fang re: RE: [ext] STRICTLY CONFIDENTIAL: Global Energy Updated Models	AGFK_095926 - 6007	**	
435	6/18/2020		E-mail from D. Blythe to G. Smith and K. Barwick re: USPE 6-week lookahead (detailed plan)	USPE_000318 - 20	**	
436	7/2/2020		E-mail from J. Gruver to G. Smith and W. Gruver re: Re: Updated Mobilization Plan	USPE_000815 - 17	**	
437	7/2/2020		E-mail from D. Blythe to G. Smith, K. Barwick, and M. Younger re: No work on Module 2 this afternoon (picture at 1400 today)	USPE_000809 - 11	**	
438	7/16/2020		E-mail from D. Blythe to M. Younger re: RE: July 10 Activity Summary.xlsx	USPE_000941	**	
439	7/17/2020		E-mail from A. Jay to K. Barwick, G. Smith, J. Smith, J. Gruver, W. Gruver, and D. Blythe re: On Boarding Schedule for Friday July 17, 2020	USPE_000951 - 52	**	
440	7/15/2020		E-mail from D. Blythe to K. Barwick re: Slide Gate Tubing Issue	USPE_010540 - 50	**	
441	7/10/2020		E-mail from D. Blythe to M. Younger re: RE: PPI Mechanical Completion Dates	USPE_000884 - 85	**	
442	7/27/2020		E-mail from J. Gruver to A. Jay re: Fwd: Energy Global Kickoff	USPE_010656 - 58	**	
443	8/4/2020		E-mail from B. Rowland to D. Blythe and K. Blythe re: RE: System Turnover Meeting Agenda today (Tuesday) and tomorrow (Wednesday)	USPE_010744 - 45	**	
444	11/12/2020		E-mail from J. Gruver to G. Smith, K. Barwick, A. Jay, J. Smith, B. Rowland, D. Ganie, A. Soundmand, and W. Gruver re: STO 11 November 2020	USPE_002853 - 69	**	
445	2/28/2021		Shift Activity Log	USPE_003356 - 58	**	
447	4/5/2021		E-mail from A. Jay to G. Smith, K. Barwick, E. Icayan, J. Smith, J. Gruver, J. Webb, D. Carter, and T. Thompson re: Night Shift Log 4.4.21	USPE_004090 - 91	**	
448	4/5/2021	Confidential	E-mail from G. Smith to S. Weaver re: Re: Butterfly valves	GLOBAL00033787 - 88	**	
449	3/10/2021		Shift Activity Log	USPE_013105 - 07	**	
450	3/21/2021		Shift Activity Log	USPE_013219 - 22	**	
451	3/25/2021		Shift Activity Log	USPE_013336 - 41	**	
452	3/29/2021		Shift Activity Log	USPE_013527 - 33	**	

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterisk indicating no objection as to authenticity; two asterisks indicating exhibits to which no party objects on any grounds)	Objection Tpe
453	2/15/2021	Confidential	E-mail from A. Jay to G. Smith, E. Icayan, J. Gruver, and K. Barwick re: Fwd: Night Shift Log 02.14.21	GLOBAL00005058	**	
456	2/28/2021		E-mail from A. Jay to T. Thompson, K. Barwick, J. Gruver, J. Smith, E. Icayan, and G. Smith re: Fwd: Day Shift Log 2-28-2021	USPE_013017 - 19	**	
457	N/A	Highly Confidential	Photo of Oil Water Separator	AGFK_098126	*	Relevance; lack of foundation
458	7/23/2020		Email from D. Blythe to K. Barwick, G. Smith, J. Gruver, W. Gruver, A. Jay, and K. Blythe re: Call with Greg Ratliffe	GLOBAL00015008	**	
460	2/21/2019		E-mail from K. Luddy to D. Astraukas re: Fwd: STRICTLY CONFIDENTIAL: Global Energy Latest Model	AGFK_006120 - 22	**	
492	6/23/2017		E-mail from S. Unterhalter to D. Astraukas re: Cellulosic Diesel Fuel Project - Vonore, TN	AGFK_000366 - 70	**	
493	10/16/2018		Kolmar America's Inc. Acquisition of Endicott Biofuels II, LLC Sabine Biofuels II, LLC	AGFK_015769 - 77	**	
494	6/28/2017		E-mail from D. Astraukas to R. Aviner et al. re: RE: Vonore Renewable Diesel (D7 Cellulosic) Inquiry	AGFK_013602 - 03	**	
495	3/5/2021		E-mail from G. Smith to K. Luddy re: Draft Report	GLOBAL00024632 - 725	**	
496	11/14/2017		E-mail from G. Smith to D. Astraukas re: Question	AGFK_000452	**	
497	11/28/2017		E-mail from K. Luddy to D. Astraukas re: Re: **Mike/Kevin** FW: Update on Cellulosic RD Work / Longterm Projects	AGFK_000491 - 93	**	
498	11/30/2017		E-mail from K. Luddy to D. Astraukas re: Re: **kevin need your thoughts** Fwd: Corporate Information/Various	AGFK_000535	**	
499	11/28/2017		E-mail from D. Astraukas to M. Keuss and K. Luddy re: **Mike/Kevin** FW: Update on Cellulosic RD Work / Longterm Projects	AGFK_031736 - 44	**	
500	11/15/2017		E-mail from G. Smith to D. Astraukas re: RE: Update on Cellulosic RD Work	AGFK_000457 - 58	**	
502	11/29/2017		Engie Laborelec Assessment of Proton Power Technology regarding the Production of Synthetic Liquid Fuel from Biomass	AGFK_000589 - 702	**	
503	12/6/2017		E-mail from D. Astraukas to K. Luddy et al. re: 4pm Easter Conference Call Call-in #	AGFK_000939	**	
504	1/15/2018		E-mail from G. Smith to D. Astraukas re: Re: Itinerary January 25th, Kolmar/Tennessee	AGFK_001101 - 03	**	
505	1/15/2018		E-mail from G. Smith to D. Astraukas et al. re: Agenda-KOLMAR visit	AGFK_001104	**	
506	12/7/2017		E-mail from G. Smith to R. Aviner et al. re: Re: KOLMAR proposal	AGFK_000704 - 05	**	
507	4/30/2021		E-mail from V. Kumar to K. Luddy et al. re: RE: LOI - Redline	AGFK_094181	**	
508	6/25/2018		E-mail from R. Aviner to D. Astraukas re: Re: Sabine - KMTX/Global Deutsche Bank	AGFK_001759 - 60	**	
509	6/25/2018		E-mail from D. Astraukas to B. Theodore and R. Aviner re: RE: Sabine - KMTX/Global Deutsche Bank	AGFK_003240 - 41	**	
510	5/8/2018		E-mail from K. Luddy to R. Aviner and D. Astraukas re: Global Renewable Project / Call with Deutsche Bank	AGFK_032002	**	
511	4/27/2018		E-mail from D. Astraukas to R. Aviner et al. re: FW: Cellulosic Renewable Diesel - Political Risk and Pricing Resolutions - April 27	AGFK_009310 - 13	**	
513	5/4/2021		E-mail from V. Kumar to G. Smith et al. re: Update	AGFK_094343	**	
515	2/28/2019		E-mail from B. Theodore to M. Schultz and D. Astraukas re: RE: Global Closing Matters	AGFK_006156 - 203	**	
516	10/29/2018		E-mail from D. Astraukas to G. Smith re: Fwd: Equity Option Agreement	AGFK_007005 - 06	**	
517	3/27/2019		E-mail from K. Luddy to R. Aviner et al. re: Re: Americas Biofuels Development Project Updates - Global Energy - March 19th	AGFK_006311 - 13	**	
520	7/6/2019		E-mail from G. Smith to D. Astraukas re: Exhibit P	AGFK_006401 - 04	**	
521	7/7/2019		E-mail from D. Astraukas to B. Theodore et al. re: FW: STRICTLY CONFIDENTIAL: Global Energy Latest Model	AGFK_007951 - 52	**	
522	3/25/2020		Machinery & Equipment Appraisal - ACGE USA, Inc.	AGFK_021618 - 49	**	
524	7/30/2019		E-mail from G. Smith to D. Astraukas re: RE: Tri+D526:D578al Budget	AGFK_006707 - 08	**	
525	2/13/2019		E-mail from D. Astraukas to G. Smith re: RE: Any chance I can be connected to Technip technical resource this morning?	AGFK_007991	**	
526	2/14/2019		E-mail from D. Astraukas to G. Smith re: Re: Technip	AGFK_007994	**	
527	8/2/2019		E-mail from G. Smith to D. Astraukas to D. Astraukas re: Rockwood issues list	AGFK_006762 - 63	**	

Plaintiff and Counterclaim Defendants' Ex. #	Date	Confidentiality Designation	Description	Bates Range	Objections (one asterisk indicating no objection as to authenticity; two asterisks indicating exhibits to which no party objects on any grounds)	Objection Tpe
528	8/2/2019		E-mail from G. Smith to D. Astraukas re: RE: Confirmation	AGFK_006765 - 66	**	
529	8/13/2019		E-mail from R. Aviner to D. Astraukas re: Re: Followup/Status of Global Energy discussion with Greg	AGFK_006775 -76	**	
530	9/10/2019		Rockwood Module #2 Trial Scope of Work, Organization and Trial Objectives	AGFK_008622 - 25	**	
531	9/24/2019		E-mail from G. Smith to D. Astraukas and J. Weinryt re: RE: Global Energy LLC / Bristol Investment Group	AGFK_008646 - 47	**	
532	11/7/2019		E-mail from G. Smith to D. Astraukas re: Rockwood Updated Information	AGFK_008664 - 780	**	
533	11/18/2019		E-mail from G. Smith to D. Astraukas re: RE: Update	AGFK_008802 - 03	**	
534	11/18/2019		E-mail from D. Astraukas to G. Smith re: RE: Update	AGFK_009268	**	
535	12/30/2019		E-mail from D. Astraukas to R. Aviner et al. re: Global Celulosic "Greg Update" Dec 30th	AGFK_039681	**	
536	8/7/2020		E-mail from J. Smith to R. Aviner et al. re: Weekly Call	AGFK_063165	**	
537	9/14/2020		E-mail from D. Astraukas to R. Aviner re: *DRAFT* Global Energy / Cellulosic Renewable Diesel / Status 14 Sep 2020	AGFK_066737 - 38	**	
538	5/5/2021		E-mail from K. Luddy to S. Leow re: Catch up Call	AGFK_094344	**	
539	4/29/2021		E-mail from H. Boyd to V. Kumar et al. re: RE: Minor modifications to red line	GLOBAL00054753 - 92	**	
540	10/23/2020		E-mail from S. Chung to M. Bird et al. re: 637 Registration - Global Energy	AGFK_069374	**	
542	11/11/2020		E-mail from D. Astraukas to G. Smith re: RE: Update	AGFK_069630 - 31	**	
543	11/12/2020	Confidential	Outstanding punchlist items for start-up rev3.xlsx	GLOBAL00007205	**	
544		Confidential	Compilation of emails	AIKCHUAN00028798 - 840	**	
545	1/4/2021		E-mail from K. Luddy to R. Aviner and D. Astraukas re: Re: Rockwood - 30 Dec Update	AGFK_033427 - 29	**	
546	12/1/2020		E-mail from D. Astraukas to R. Aviner re: Rockwood 1 Dec 09:00 Update	AGFK_039731 - 32	**	
547	12/13/2020		E-mail from G. Smith to D. Astraukas and K. Luddy re: Update	AGFK_033190	**	
548	12/17/2020		E-mail from D. Astraukas to R. Aviner et al. re: Rockwood 17:00 Dec 17	AGFK_033040 - 42	**	
549		Confidential	Compilation of emails	AIKCHUAN00028842 - 67	**	
550	1/23/2021		E-mail from G. Smith to D. Astraukas re: Update	AGFK_034022	**	
551	1/30/2021		E-mail from G. Smith to D. Astraukas re: Update	AGFK_036785	**	
552	2/17/2021		E-mail from D. Astraukas to G. Smith et al. re: FW: Rockwood 9:00 February 17	AGFK_036741 - 42	**	
553	2/8/2021		E-mail from G. Smith to D. Astraukas re: UPDATE	AGFK_038397	**	
554	2/16/2021		E-mail from G. Smith to D. Astraukas re: Requested pictures	AGFK_039812 - 22	**	
555	2/17/2021		E-mail from D. Astraukas to K. Luddy re: RE: ECP / Global Call - Tomorrow 2/17	AGFK_036743	**	
556	2/19/2021		Global Energy Data Collection Grid 2 17 2021.xlsx	USPE_003252	**	
557	2/25/2021		E-mail from D. Astraukas to G. Smith re: Clarifier samples	AGFK_038633	**	
558	3/1/2021		E-mail from D. Astraukas to G. Smith et al. re: FW: Rockwood 12 noon March 1	AGFK_038819 - 21	**	
559	4/6/2021		E-mail from G. Smith to D. Astraukas re: Updated March Data to include Dashboard	AGFK_073577 - 78	**	
560	4/26/2021		E-mail from J. Webb to G. Smith re: Uptime Performance Dashboard	USPE_014310 - 12	**	
561	3/30/2021		E-mail from G. Smith to D. Astraukas re: April Uptime improvement plan	AGFK_074223 - 30	**	
562	3/25/2021		E-mail from G. Smith to D. Astraukas re: RE: Rockwood 9am March 24	AGFK_073352 - 54	**	
564	4/7/2021		E-mail from D. Astraukas to G. Smith re: RE: Clarification	AGFK_073698 - 99	**	
565	4/21/2021		E-mail from G. Smith to D. Astraukas re: Fwd: Update Needed	AGFK_074375 - 76	**	
566	4/29/2021		E-mail from J. Webb to D. Astraukas re: RW Uptime Dashboard	USPE_014408 - 10	**	
567	4/11/2021		E-mail from D. Astraukas to G. Smith re: Kolmar Tues/Wed Agenda - Rockwood and Proton Visits	AGFK_073818 - 20	**	
568	4/21/2021		E-mail from D. Astraukas to R. Aviner et al. re: RE: Update	AGFK_074289 - 90	**	
569	4/23/2021		E-mail from D. Astraukas to G. Smith re: Communication Gaps / Biochar / Plant Status	AGFK_074440 - 41	**	
570	4/29/2021		E-mail from D. Astraukas to G. Smith re: RE: night Shift Log 5.28.21.docx	AGFK_074771	**	

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571	4/29/2021		E-mail from G. Smith to D. Astraukas re: Re: night Shift Log 5.28.21.docx	AGFK_074774 - 75	**	
572	4/26/2021		E-mail from D. Astraukas to G. Smith re: Kolmar/GE weekly Review schedule	AGFK_074634	**	
574	5/3/2021		E-mail from G. Smith to D. Astraukas re: Updated logs	AGFK_074827 - 39	**	
575	5/5/2021		E-mail from D. Astraukas to R. Aviner re: RE: The Global Cellulosic HVO Project	AGFK_074916	**	
576	4/20/2021		E-mail from K. Luddy to D. Astraukas et al. re: FW: USPE	AGFK_074078	**	
578	12/11/2020		E-mail from G. Smith to D. Wray re: Re: EA/GE Invoice	AGFK_071414 - 16	**	
579	8/5/2020		E-mail from R. Aviner to J. Magid re: Re: Ares Capital / Global Energy Call	AGFK_088092 - 93	**	
580	3/17/2021		E-mail from D. Astraukas to R. Aviner et al. re: **DRAFT response to Greg SMith** RE: Follow up	AGFK_040019 - 20	**	
581	4/19/2021		E-mail from K. Luddy to D. Astraukas et al. re: FW: Power at Rockwood	AGFK_074041	**	
582	4/2/2021		E-mail from R. Aviner to K. Luddy et al. re: USPE	AGFK_074088	**	
585	5/5/2021		Letter from K. Barwick to L. Wray re: filing claim	AGFK_074970 - 74	**	
586	5/20/2021		E-mail from R. Aviner to R. Sandelowsky and M. Mladenov re: Global Energy	AGFK_075620	**	
587	5/23/2021		E-mail from G. Smith to K. Luddy and B. Theodore re: FW: Confirmation of Termination - Confirmation Letter/Termination Agreement	AGFK_075625-75640	**	
591	7/6/2021		E-mail from K. Luddy to E. Gillespie and D. Astraukas re: Re: Rockwood - way forward	AGFK_078568 - 71	**	
592	5/25/2021	Confidential	E-mail from G. Smith to K. Luddy re: Rockwood status and requested AP	GLOBAL00013615 - 16	**	
593	11/3/2020		E-mail from D. Astraukas to K. Luddy, R. Aviner, and O. Sandelowsky re: RE: Proton - Future Plant Agreements	AGFK_068321	**	
595	4/30/2021		E-mail from D. Astraukas to J. Snijder, L. Romo, S. Weaver, and J. Bierkamp re: Technip Proposal Timing / Rockwood Phase 2	AGFK_018739 - 40	**	
596	3/9/2021		E-mail from D. Astraukas to R. Aviner, O. Sandelowsky, and K. Luddy re: Rockwood 9am March 9	AGFK_039339 - 40	**	
597	4/22/2021		E-mail from J. Webb to D. Astraukas re: Re: Introduction	USPE_004487 - 88	**	
606	5/23/2021		E-mail from G. Smith to K. Luddy re: FW: Requested Information	AGFK_094467 - 69	**	